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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PHYLLIS J. KING,

Plaintiff,

v.

FEDERAL BUREAU OF
INVESTIGATION,

Defendant.

NO. CV 08-1919 BZ

**DECLARATION OF JENNIFER A.
WILSON SUPERVISORY SPECIAL
AGENT FEDERAL BUREAU OF
INVESTIGATION**

Declaration of Jennifer A. Wilson
King v. FBI

SUPERIOR COURT

STATE OF CALIFORNIA

PHYLLIS J. KING,)	No. CSC-07-470568
)	
Petitioner,)	
)	DECLARATION OF JENNIFER A. WILSON
)	SUPERVISORY SPECIAL AGENT
v.)	FEDERAL BUREAU OF INVESTIGATION
)	
FEDERAL BUREAU OF)	
INVESTIGATION,)	
)	
Respondent.)	
_____)	

1. I, Jennifer A. Wilson, do hereby declare that I am a Supervisory Special Agent of the Federal Bureau of Investigation (FBI). I have been employed by the FBI for over ten years. I am presently assigned to the San Francisco Field Office in the position of Chief Division Counsel. In this position, I am a duly authorized Custodian of Records for the San Francisco Field Office and I have authority to speak regarding San Francisco FBI records.

2. I have prepared this declaration in response to Action No. CSC-07-470568 filed in California State Court by Phyllis J. King, 527 Vista Mar Avenue, Pacifica, CA 94044 on December 31, 2007. Ms. King, in her narration alleges that her "home has repeatedly been visited by FBI agents" as well as allegations that garbage has been thrown in her back yard, a dead mouse has been placed in her home, unlawful entry, and faulty phone reception.

3. Upon receipt of the complaint, I directed an employee of the San Francisco FBI legal unit, who works under my supervision, to search the automated indices to the Central

Records Systems for records maintained by the San Francisco Office. The Central Records System utilized by the FBI enables it to maintain all pertinent information which it has acquired in the course of fulfilling its mandated law enforcement responsibilities. There was no record under the plaintiff's name.

4. Under United States Code (USC) §28, the Federal Tort Claims Act is described. The Act is a waiver of federal sovereign immunity, but the Act requires that an administrative claim must first be filed. 28 USC §2675 states

(a) An action shall not be instituted upon a claim against the United States for money damages for injury or loss of property...caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail.

28 Code of Federal Regulations (CFR) 14.2 states

(a) For purposes of the provisions of 28 U.S.C. . 2675, a claim shall be deemed to have been presented when a Federal agency receives from a claimant, his duly authorized agent or legal representative, an executed Standard Form 95 or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, personal injury, or death alleged to have occurred by reason of the incident; and the title or legal capacity of the person signing, and is accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.


(b)(1) A claim shall be presented to the Federal agency whose activities give rise to any claim...

An FBI employee's check, at my direction. of the FBI Central Records System shows no

evidence that Ms. King has filed any administrative claim, although Ms. King prays for judgment for costs of suit, compensatory damages and punitive damages of one million dollars.

Pursuant to 28 U.S.C. §1746, I declare under perjury that the foregoing is true and correct.

EXECUTED THIS 3 OF APRIL, 2008,
AT SAN FRANCISCO, CALIFORNIA.



Jennifer A. Wilson
Chief Division Counsel
Supervisory Special Agent